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In re Application of	:	DECISION
Alain RIONDEL et al.	:	
U.S. Application No.: 09/889,699	:	ON
PCT No.: PCT/FR00/00123	:	
International Filing Date: 20 January 2000	:	PETITION
Priority Date: 21 January 1999	:	
Attorney's Docket No.: ATOCM 220	:	UNDER
For: METHOD FOR MAKING AQUEOUS SOLUTIONS	:	
OF UNSATURATED QUATERNARY AMMONIUM	:	37 CFR 1.181
SALTS	:	

This decision is in response to applicants' "REPLY TO NOTICE OF ABANDONMENT" filed 20 June 2002 to request withdrawal of the Notice of Abandonment mailed 31 May 2002. This request has been treated as Petition under 37 C.F.R. § 1.181. No petition fee is required.

BACKGROUND

On 20 January 2000, applicants filed international application PCT/FR00/00123, which claimed a priority date of 21 January 1999. A copy of the international application was transmitted from the International Bureau to the United States Patent and Trademark Office (USPTO) on 27 July 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 13 March 2000, which was within nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired on 21 July 2001.

On 20 July 2001, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 29 August 2001, the USPTO mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than thirty months from the priority date were required.

On 31 May 2002, the USPTO mailed Notice of Abandonment indicating that the above-identified application was abandoned for failure to respond to the Notice to File Missing Parts mailed on 29 August 2001.

On 20 June 2002, applicants filed the present petition, which included, *inter alia*, (1) a copy of the returned postcard receipt for the US National Phase filing of PCT/FR00/00123 with both the receipt date of 20 July 2001 and US Application serial number of **09/889665** stamped thereon; (2) a copy of the applicants' response to the Notification of Missing Requirements filed 25 September 2001 with the US Application serial number 09/889,665 in the heading of the response; and (3) a copy of the returned postcard receipt for the response to the Notification of Missing Requirements with the receipt date of 25 September 2001 stamped thereon.

DISCUSSION

The applicants' response to the Notification of Missing Requirements with the receipt date of 25 September 2001 stamped thereon by the USPTO has been found in the US Application number 09/889,665. Although the heading of the applicants' response includes the US Application serial number 09/889,665, other identifying information in the heading, i.e. International Application No., International Filing Date, Deposit Date of US National Phase, Priority Date, Applicants name, and Title, clearly establishes that the response is directed to US Application number 09/889,699. Consequently, the applicants' response to the Notification of Missing Requirements is being considered as being timely submitted.

The check filed with the applicants' response of 25 September 2001 for the declaration surcharge and recordation of assignment papers was applied to the US Application number 09/889,665. This fee will be transferred from 09/889,665 and reapplied to the instant application. Further, the same fee for the declaration and recordation for the instant application was also charged to the counsel's deposit account on 09 September 2002. This fee will be fully refunded to the counsel's deposit account.


CONCLUSION


For the reasons set forth above, the petition under 37 CFR 1.181 is **GRANTED**.

The Notice of Abandonment mailed 31 May 2002 is **VACATED**.

The application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing including mailing of a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495

(Form PCT/DO/EO/903) and FILING RECEIPT.

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